

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jennifer Han (SBN: 281655) Mahoney Law Group, APC 249 East Ocean Boulevard, Suite 814 Long Beach, CA 90802 TELEPHONE NO.: (562) 590-5550 FAX NO.: (562) 590-8400 ATTORNEY FOR (Name): Karla Velasco		FOR COURT USE ONLY  <b>ELECTRONICALLY FILED</b> Superior Court of California, County of Orange  <b>09/16/2015 at 12:30:21 PM</b> Clerk of the Superior Court By Davon Velasquez, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: same CITY AND ZIP CODE: Santa Ana, 92701 BRANCH NAME: Central Justice Center		
CASE NAME: Velasco v. CR&R Incorporated		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)		CASE NUMBER: 30-2015-00810297-CU-WT-CJC
<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		JUDGE: Judge Mary Fingal Schulte DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 5
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 9/16/2015  
 Jennifer Han

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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CM-010

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability *(not asbestos or toxic/environmental)* (24)  
Medical Malpractice (45)  
Medical Malpractice—  
Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

## Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice *(not medical or legal)*  
Other Non-PI/PD/WD Tort (35)

## Employment

Wrongful Termination (36)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract *(not unlawful detainer or wrongful eviction)*  
Contract/Warranty Breach—Seller  
Plaintiff *(not fraud or negligence)*  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage *(not provisionally complex)* (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment *(non-domestic relations)*  
Sister State Judgment  
Administrative Agency Award *(not unpaid taxes)*  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint *(not specified above)* (42)  
Declaratory Relief Only  
Injunctive Relief Only *(non-harassment)*  
Mechanics Lien  
Other Commercial Complaint Case *(non-tort/non-complex)*  
Other Civil Complaint *(non-tort/non-complex)*

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition *(not specified above)* (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

SUM-100

**SUMMONS**  
**(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:**  
**(AVISO AL DEMANDADO):**

CR&R INCORPORATED and DOES 1 through 50, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

KARLA VELASCO

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Orange

**09/16/2015 at 12:30:21 PM**

Clerk of the Superior Court  
By Davon Velasquez, Deputy Clerk

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): Central Justice Center  
700 Civic Center Drive West  
Santa Ana, CA 92701

CASE NUMBER:  
30-2015-00810297-CU-WT-CJC

Judge Mary Fingal Schulte

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Jennifer Han; 249 East Ocean Boulevard, Suite 814, Long Beach, CA 90802; (562) 590-5550

DATE: 09/16/2015 ALAN CARLSON, Clerk of the Court

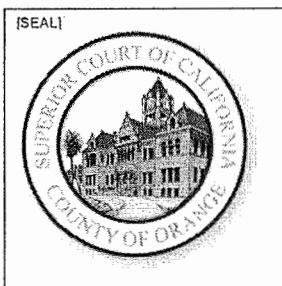
Clerk, by  
(Secretario)

*Davon Velasquez*

, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

Davon Velasquez



**NOTICE TO THE PERSON SERVED:** You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): CR&R INCORPORATED

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☐ by personal delivery on (date):

Page 1 of 1

1 KEVIN MAHONEY, Esq. (SBN: 235367)  
2 [kmahoney@mahoney-law.net](mailto:kmahoney@mahoney-law.net)  
3 JENNIFER HAN, Esq. (SBN: 281655)  
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5 249 E. Ocean Boulevard, Suite 814  
6 Long Beach, CA 90802  
7 Phone: 562.590.5550  
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9 Attorneys for Plaintiff KARLA VELASCO

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF ORANGE**

12 KARLA VELASCO

13 Plaintiff,

14 vs.

15 CR&R INCORPORATED and DOES 1  
16 through 50, inclusive,

17 Defendants.

CASE NO.: 30-2015-00810297-CU-WT-CJC

**COMPLAINT FOR DAMAGES**

1. Violation of CFRA (Gov. Code § 12945.2)
2. Violation of FMLA (29 USC § 2601 et seq.)
3. Retaliation
4. Failure to Prevent Retaliation
5. Wrongful Termination In Violation of Public Policy

**DEMAND FOR JURY TRIAL**

Judge Mary Fingal Schulte

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1 Plaintiff, KARLA VELASCO hereby complains and alleges as follows:

2 **I.**

3 **PARTIES**

4 1. Plaintiff, KARLA VELASCO (hereinafter "Plaintiff") is, and at all times herein  
5 mentioned was, a resident of the County of Los Angeles, of the State of California.

6 2. Plaintiff is informed and believes, and based thereon alleges that, at all times  
7 relevant hereto, Defendant, CR&R Incorporated (hereinafter "Defendant") was and is a  
8 California corporation, with corporate headquarters located in Stanton, California.

9 3. Plaintiff is informed and believes and based thereon alleges that, at all times  
10 relevant hereto, Defendant was the employer of the Plaintiff during the relevant employment  
11 period. During the liability period, Defendant employed Plaintiff. On information and belief,  
12 and based thereon alleges that Defendant is conducting business in good standing in California.

13 4. Plaintiff is not aware of the true names and/or capacities of those entities or  
14 individuals sued herein as DOES 1 through 50, inclusive, and therefore sues these defendants by  
15 their fictitious names. Plaintiff will seek leave of this court to amend this Complaint to insert  
16 their true names and/or capacities when the same are ascertained.

17 5. Unless otherwise specified herein, each DOE defendant was the agent and  
18 employee of each Defendant, and in doing the things hereinafter mentioned, were at all times  
19 acting within the course and scope of that agency and employment.

20 **II.**

21 **JURISDICTION AND VENUE**

22 6. This Court is the proper Court for filing of this action. Plaintiff's injury, damages  
23 and claims at issue herein took place in the County of Orange. Defendant is incorporated in the  
24 State of California with corporate headquarters located in Stanton, California.

25 7. Venue is proper in this Court because Defendant does substantial business in the  
26 County of Orange, California, employed Plaintiff in the County of Orange, California, and the  
27 harm to Plaintiff occurred in the County of Orange, California.

28 ///

1 **III.**

2 **ADMINISTRATIVE REMEDIES EXHAUSTED**

3 8. At all times relevant, Defendant regularly employed five or more persons, brining  
4 Defendant within the provisions of Government Code Section 12900, et seq., prohibiting  
5 employers or their agents from discriminating against or harassing its employees, or from  
6 allowing and fostering an environment where fellow employees could harass or discriminate  
7 against other employees with impunity.

8 9. Plaintiff has exhausted her administrative remedies by timely filing a complaint of  
9 discrimination and harassment in her employment with the California Department of Fair  
10 Employment and Housing ("DFEH"). The DFEH issued its Right-To-Sue Notice on July 14,  
11 2015, authorizing this lawsuit and Plaintiff timely filed this action within the prescribed period  
12 subsequent to issuance of the Right-To-Sue Notice letter. Plaintiff has, therefore, exhausted her  
13 administrative remedies and timely filed this action within the prescribed period subject to  
14 issuance of the Right-To-Sue Notice letter. A true and correct copy of the Right to Sue Letter,  
15 dated July 14, 2015, is attached herewith as Exhibit "A."

16 **IV.**

17 **GENERAL ALLEGATIONS**

18 10. Plaintiff is, and at all times herein mentioned was, a resident of the County of Los  
19 Angeles, of the State of California.

20 11. Plaintiff is informed and believes, and based thereon alleges that, CR&R  
21 INCORPORATED is a corporation, and is and was the employer of the Plaintiff during the  
22 relevant employment period. During the liability period, Defendant employed Plaintiff. On  
23 information and belief, Plaintiff alleges that Defendants are conducting business in good  
24 standing in California and is subject to the California Fair Employment and Housing Act  
25 ("FEHA"), California Pregnancy Disability Leave Law ("PDLL"), California Family Rights Act  
26 ("CFRA"), and the Family Medical Leave Act ("FMLA").

27 12. Plaintiff is not aware of the true names and/or capacities of those entities or  
28 individuals sued herein as DOES 1 through 50, inclusive, and therefore sues these defendants by

1 their fictitious names. Plaintiff will seek leave of this court to amend this Complaint to insert  
2 their true names and/or capacities when the same are ascertained.

3 13. Unless otherwise specified herein, each DOE defendant was the agent and  
4 employee of each Defendant, and in doing the things hereinafter mentioned, were at all times  
5 acting within the course and scope of that agency and employment.

6 14. Plaintiff became employed full time with Defendant in or about May 21, 2013, as  
7 a non-exempt Customer Service Representative.

8 15. Plaintiff worked for Defendant as a Customer Service Representative until her  
9 termination, and never received any write-ups due to her work performance during the near two-  
10 year period Plaintiff was employed. In fact, Plaintiff consistently received praise for her  
11 outstanding work performance. Within a period of only four (4) months, Plaintiff received a  
12 promotion due to her exceptional work performance, as well as positive feedback and review  
13 from her manager, Karen Kennedy.

14 16. On or about May 2013, Plaintiff became pregnant with a due date set for January  
15 23, 2014. Plaintiff was unfortunately confronted with medical complications during her  
16 pregnancy that caused her doctor to order her off work on December 6, 2013. Plaintiff promptly  
17 notified Defendant of her circumstances and she was granted leave under pregnancy disability  
18 leave and/or family and medical leave, commencing on December 9, 2013.

19 17. Plaintiff's medical condition constituted a disability caused by her pregnancy,  
20 which entitled her to four months of disability leave during her pregnancy under California's  
21 PDLL. (Government Code Section 12945(a); 2 Cal.C.Reg. Section 7291.7(a)).

22 18. The CFRA further mandates that employers must provide an additional 12 weeks  
23 of leave to employees after the PDLL leave expires to bond and care for a newborn baby.

24 19. The FMLA provides that employees have leave rights due to the serious health  
25 condition of a child. (Government Code § 12945.2(c)(3)(A)).

26 20. On or about December 9, 2013, Plaintiff was told that she required surgery due to  
27 symptomatic cholelithiasis. Plaintiff promptly notified Defendant regarding the surgery and her  
28 approximate date of return to work.

1           21.     On or about April 19, 2014, Plaintiff was told by her doctor that she would be  
2     able to return to work. On or about April 28, 2014, Plaintiff resumed employment with CR&R  
3     to her regularly scheduled hours and work duties without any issues with regard to Plaintiff's  
4     work performance.

5           22.     On or about November 24, 2014, Plaintiff's infant son became extremely sick  
6     who continued to cough, vomit, and have extreme and abnormally high body temperatures.  
7     Plaintiff informed her supervisor of the situation when she arrived to work in the morning and  
8     requested to leave work early in order to take him to the hospital.

9           23.     Plaintiff's supervisor, informed Plaintiff later that day around 12:00 p.m. that if  
10    Plaintiff decided to leave early that day, she would receive a one-day suspension and six months  
11    of probation. Plaintiff thereafter attempted to make arrangement to have another person take her  
12    son to the hospital, but ultimately could not find anyone.

13          24.     On or about November 25, 2014, Plaintiff's son continued to vomit, had high  
14    body temperature and could not stop coughing. Again, Plaintiff returned to work and informed  
15    her supervisor of the situation in the morning, and requested to leave work earlier in order to take  
16    her son to see a doctor. By 4pm that day, Plaintiff followed up with her supervisors and  
17    managers when she received no response to her request made in the morning to leave earlier.  
18    Plaintiff was then finally approved to leave work.

19          25.     On or about November 25, 2014, after evaluating and assessing Plaintiff's son,  
20    Dr. Hernandez diagnosed Plaintiff's son with Bronchiolitis-Bronchitis, and Upper Respiratory  
21    Infection. Dr. Hernandez prescribed Amoxicillin, Albuterol Sulfate, and Prednisolone.  
22    Plaintiff's son was required to return for continued treatment and evaluation for his condition.

23          26.     On or about January 26, 2015, Plaintiff's son became seriously ill once again.  
24    Plaintiff went into work the same day, informing her supervisor of the situation. Plaintiff's  
25    supervisor did not approve her leaving work early and Plaintiff stayed to complete her work day  
26    and was unable to take her son to see a doctor.

27          27.     On or about January 27, 2015, Plaintiff's sons condition worsened. Plaintiff  
28    called her Supervisor, and informed her that Plaintiff will be taking her son to the doctor and



1 would not be coming into work. Plaintiff's son had a fever, cough, noise in his chest, and  
 2 phlegm. Dr. Hernandez administered an intramuscular injection of steroids and prescribed the  
 3 same medications as he did in November when Plaintiff's son became ill. Additionally, Plaintiff  
 4 was advised to closely monitor her son, due to the possibility of developing an obstructive  
 5 airway disease, and to follow-up with his physician in one week if there was no improvement.

6 28. On or about January 28, 2015, Plaintiff called her supervisor, informing her that  
 7 she would not be able to come into work due to her son's health condition, and sent Supervisor  
 8 Elisa Bene the doctor's note.

9 29. On or about January 30, 2015, Plaintiff returned to work when she was told that  
 10 the doctor's note was unacceptable, and that Plaintiff needed to speak with Human Resources.  
 11 Human Resources informed Plaintiff that she was terminated since Plaintiff did not have any sick  
 12 hours available.

13 30. Plaintiff was denied the right to return to her same position or comparable  
 14 position and was terminated while caring for her sick infant son thereby violating Plaintiff's  
 15 rights under the PDLL, CFRA, and FMLA.

16 31. Plaintiff is informed and believes and on that basis alleges that at all relevant  
 17 times, Plaintiff was eligible for the benefits and protections under the PDLL, CFRA, and FMLA.

18 **V.**

19 **FIRST CAUSE OF ACTION**

20 **Violation of California Family Rights Act ("CFRA") – Government Code § 12945.2**

21 **(Plaintiff against Defendant)**

22 32. Plaintiff re-alleges and incorporates herein those matters contained in paragraphs  
 23 1 through 31 as though fully set forth.

24 33. At all times herein mentioned, California Government Code Section 12945.2 was  
 25 in full force and effect. This statute, in pertinent part, makes it an unlawful employment practice  
 26 in the State of California for an employer to refuse to grant a request for family care and medical  
 27 leave by an employee.

28 ///

1           34. Plaintiff was a member of the class of persons entitled to protected medical and/or  
 2 family leave under the California Family Rights Act ("CFRA"), embodied in Cal. Gov. Code §  
 3 12945.2. Specifically, Plaintiff worked for more than one (1) year for Defendant and worked in  
 4 excess of one thousand two hundred and fifty hours (1,250) in the preceding twelve (12) month  
 5 period prior to her requested and/or taken leaves. Further, Plaintiff had a qualifying serious  
 6 health condition as described herein.

7           35. Plaintiff provided reasonable notice of her need for medical leave and  
 8 requested/took leave for the care of her son's serious health condition that made her unable to  
 9 perform the functions of her job with Defendant.

10           36. Defendant violated the CFRA by terminating Plaintiff because of protected  
 11 absences and/or because of foreseeable future need for protected absences, interfering with  
 12 Plaintiff's right to leave, counting Plaintiff's legally protected absences against her for purposes  
 13 of performance, and/or otherwise discouraging her from taking required leave.

14           37. Such conduct is in violation of the FEHA and has resulted in damage and injury  
 15 to Plaintiff as alleged herein.

16           38. As a direct and foreseeable result of the aforesaid acts of Defendant, Plaintiff has  
 17 lost and will continue to lose income and benefits in an amount to be proven at the time of trial.  
 18 Plaintiff claims such amount as damages together with pre-judgment interest pursuant to Cal.  
 19 Civ. Code § 3287 and/or any other provision of law providing for pre-judgment interest.

20           39. The above described acts of Defendant, by and through their managing agents,  
 21 officers or directors, were engaged in with a deliberate, cold, callous, fraudulent and intentional  
 22 matter in order to injure and damage Plaintiff and/or with a conscious disregard for Plaintiff's  
 23 rights. Such acts were despicable, and constitute malice, fraud and/or oppression within the  
 24 meaning of Cal. Civ. Code § 3294. Plaintiff requests an assessment of punitive damages against  
 25 Defendants, in an amount to be proven at the time of trial.

26           40. Plaintiff is entitled to recover prevailing party's attorneys' fees pursuant to the  
 27 provision of the California Fair Employment & Housing Act (Government Code Section 12900,  
 28 et seq.), and by other statutory entitlements.

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**VI.**

**SECOND CAUSE OF ACTION**

**(Violation of Family Medical Leave Act (29 USC § 2601 et seq.))**

**(Plaintiff against Defendant)**

41. Plaintiff hereby incorporates paragraphs 1 through 40, inclusive, as if fully stated herein.

42. The above described acts of Defendant constitute violations of the FMLA. The FMLA entitles an employee to a leave of absence to attend to a serious health condition of a child. An employer is prohibited from interfering with an eligible employee's right to take leave under the FMLA or retaliating against an employee for taking such a leave.

43. An employer may not discriminate, discharge, or retaliate against an employee for taking leave under the FMLA.

44. Plaintiff invoking her right to take leave to care for her sick son suffering from a serious medical condition under the FMLA was the causal link to the retaliation experience by Plaintiff.

45. By reason of Defendant's unlawful acts, practices, and omissions, Plaintiff has suffered monetary damages.

46. Pursuant to 29 USC §§ 2617(a)(1)(A), Plaintiff demands as damages an additional equal amount as liquidated damages upon establishing that the employer's actions were willful.

**VII.**

**THIRD CAUSE OF ACTION**

**Retaliation – Violation of California Government Code § 12940(h)**

**(Plaintiff against Defendant)**

47. Plaintiff re-alleges and incorporates those matters contained in paragraphs 1 through 46 as though fully set forth herein.

48. At all times herein mentioned, California Government Code section 12940(h) was in full force and effect. This statute makes it unlawful for an employer doing business in the State of California, to retaliate against an employee for engaging in protected activity.

1           49. By the facts alleged hereinabove, Plaintiff engaged in protected activity, including  
2 but not limited to, requesting medical leave to care for her son's serious condition. Plaintiff has  
3 a reasonable belief that she has been subjected to retaliation based on engaging in activities that  
4 are protected under the laws of the State of California.

5           50. Plaintiff's attempts to engage in a timely good-faith interactive process regarding  
6 a reasonable accommodation under the FEHA were substantial motivating reasons for  
7 Defendant's decision to terminate her employment. Such conduct is in violation of the FEHA  
8 and has resulted in damage and injury to Plaintiff as alleged herein.

9           51. As a direct and foreseeable result of the aforesaid acts of Defendant, Plaintiff has  
10 lost and will continue to lose income and benefits in an amount to be proven at the time of trial.  
11 Plaintiff claims such amount as damages together with pre-judgment interest pursuant to Cal.  
12 Civ. Code § 3287 and/or any other provision of law providing for pre-judgment interest.

13           52. As a result of the aforesaid acts of Defendant, Plaintiff claims general damages  
14 for mental and emotional distress and aggravation in an amount to be proven at the time of trial.

15           53. The above described acts of Defendant, by and through its managing agents,  
16 officers or directors, were engaged in with a deliberate, cold, callous, fraudulent and intentional  
17 manner in order to injure and damage Plaintiff and/or with a conscious disregard for Plaintiff's  
18 rights. Such acts were despicable, and constitute malice, fraud and/or oppression within the  
19 meaning of Cal. Civ. Code § 3294. Plaintiff requests an assessment of punitive damages against  
20 Defendant, in an amount to be proven at the time of trial.

21           54. Plaintiff is entitled to recover prevailing party's attorneys' fees pursuant to the  
22 provision of the California Fair Employment & Housing Act (Government Code Section 12900,  
23 et seq.), and by other statutory entitlements.

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VIII.

**FOURTH CAUSE OF ACTION**

**Failure to Prevent Retaliation**

**(Plaintiff against Defendant)**

55. Plaintiff re-alleges and incorporates those matters contained in paragraphs 1 through 54 as though fully set forth herein.

56. Plaintiff was subjected to discrimination because Defendant knew her infant son was suffered from a physical or mental disability or disabilities protected under the FEHA and/or was subjected to retaliation because she opposed Defendant's unlawful and discriminatory employment practices and/or engaged in other lawfully protected activities.

57. Such conduct is in violation of the FEHA and has resulted in damage and injury to Plaintiff as alleged herein.

58. As a direct and foreseeable result of the aforesaid acts of Defendant, Plaintiff has lost and will continue to lose income and benefits in an amount to be proven at the time of trial. Plaintiff claims such amount as damages together with pre-judgment interest pursuant to Cal. Civ. Code § 3287 and/or any other provision of law providing for pre-judgment interest.

59. As a result of the aforesaid acts of Defendant, Plaintiff claims general damages for mental and emotional distress and aggravation in an amount to be proven at the time of trial.

60. The above described acts of Defendant, by and through its managing agents, officers or directors, were engaged in with a deliberate, cold, callous, fraudulent and intentional matter in order to injure and damage Plaintiff and/or with a conscious disregard for Plaintiff's rights. Such acts were despicable, and constitute malice, fraud and/or oppression within the meaning of Cal. Civ. Code § 3294. Plaintiff requests an assessment of punitive damages against Defendant, in an amount to be proven at the time of trial.

61. Plaintiff is entitled to recover prevailing party's attorneys' fees pursuant to the provision of the California Fair Employment & Housing Act (Government Code Section 12900, et seq.), and by other statutory entitlements.

///

## IX.

**FIFTH CAUSE OF ACTION****Wrongful Termination in Violation of Public Policy****(Plaintiff against Defendant)**

62. Plaintiff re-alleges and incorporates those matters contained in paragraphs 1 through 61 as though fully set forth herein.

63. Plaintiff's employment was terminated in violation of fundamental public policies of the State of California, including, without limitation the right to protections against discrimination because of a disability, the right to an interactive process and accommodations of a disability, and the right to take statutory medical leave under the California Family Rights Act and/or Family and Medical Leave Act. These fundamental public policies inure to the benefit of the public, and not just the private interests of the employer and employee.

64. As set forth above, said actions by Defendant was wrongful and in violation of the fundamental public policy of the State of California as reflected in its laws, objectives and policies. Said laws, which establish these fundamental public policies include, without limitation: Government Code section 12940, et seq., Government Code section 12945.2, and related sections.

65. As a direct and foreseeable result of the aforesaid acts of Defendant, Plaintiff has lost and will continue to lose income and benefits in an amount to be proven at the time of trial. Plaintiff claims such amount as damages together with pre-judgment interest pursuant to Cal. Civ. Code § 3287 and/or any other provision of law providing for pre-judgment interest.

66. As a result of the aforesaid acts of Defendant, Plaintiff claims general damages for mental and emotional distress and aggravation in an amount to be proven at the time of trial.

67. The above described acts of Defendant, by and through their managing agents, officers or directors, were engaged in with a deliberate, cold, callous, fraudulent and intentional matter in order to injure and damage Plaintiff and/or with a conscious disregard for Plaintiff's rights. Such acts were despicable, and constitute malice, fraud and/or oppression within the

1 meaning of Cal. Civ. Code § 3294. Plaintiff requests an assessment of punitive damages against  
2 Defendants, in an amount to be proven at the time of trial.

3 X.

4 **PRAYER FOR RELIEF**

5 **WHEREFORE, Plaintiff prays for the following relief:**

- 6 1. For compensatory damages in an amount according to proof;  
7 2. For general damages in an amount according to proof;  
8 3. For attorneys' fees and expenses under the FEHA;  
9 4. For punitive damages in an amount according to proof;  
10 5. For costs of the suit herein incurred; and  
11 6. For such other and further relief as this court may deem proper and just.

12  
13 Dated: September 16, 2015

**MAHONEY LAW GROUP, APC**

14  
15 /s/Jennifer Han

16 Kevin Mahoney  
17 Jennifer Han  
18 Attorneys for Plaintiff  
19 KARLA VELASCO  
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# EXHIBIT A





STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

July 14, 2015

Jennifer Han  
249 East Ocean Boulevard, Suite 814  
Long Beach California 90802

**RE: Notice to Complainant or Complainant's Attorney**

DFEH Matter Number: 606107-169825

Right to Sue: Velasco / CRandR Incorporated

Dear Complainant or Complainant's Attorney:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You or your attorney must serve the complaint. If you do not have an attorney, you must serve the complaint yourself. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

July 14, 2015

**RE: Notice of Filing of Discrimination Complaint**

DFEH Matter Number: 606107-169825

Right to Sue: Velasco / CRandR Incorporated

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

**No response to DFEH is requested or required.**

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

July 14, 2015

Karla Velasco  
13611 Orange Avenue  
Paramount California 90723

**RE: Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 606107-169825  
Right to Sue: Velasco / CRandR Incorporated

Dear Karla Velasco,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective July 14, 2015 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

Enclosures

cc:

EXHIBIT A



1                                   **COMPLAINT OF EMPLOYMENT DISCRIMINATION**  
2                                   **BEFORE THE STATE OF CALIFORNIA**  
3                                   **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**  
4                                   **Under the California Fair Employment and Housing Act**  
5                                   **(Gov. Code, § 12900 et seq.)**

6       In the Matter of the Complaint of  
7       Karla Velasco, Complainant.  
8       13611 Orange Avenue  
9       Paramount California 90723

DFEH No. 606107-169825

9       vs.

10       CRandR Incorporated, Respondent.  
11       11292 Western Avenue  
12       Stanton, California 90680

13  
14       Complainant alleges:

- 15       1. Respondent **CRandR Incorporated** is a subject to suit under the California Fair Employment and Housing  
16       Act (FEHA) (Gov. Code, § 12900 et seq.). Complainant believes respondent is subject to the FEHA.  
17       2. On or around **January 30, 2015**, complainant alleges that respondent took the following adverse actions  
18       against complainant: **Retaliation Terminated**, . Complainant believes respondent committed these actions  
19       because of their: **Family Care or Medical Leave** .  
20       3. Complainant **Karla Velasco** resides in the City of **Paramount**, State of **California**. If complaint includes  
21       co-respondents please see below.  
22

1  
2 **Additional Complaint Details:**

3 I believe I was retaliated against for utilizing time taken under the FMLA. I worked as a  
4 Customer Service Representative for almost two years with CRandR Incorporated. On  
5 November 24, 2014, my ten month old son became extremely sick with a fever,  
6 coughing, and vomiting. I needed to take him to the hospital and asked my supervisor if  
7 I could leave work early to take him to the hospital. My supervisor informed me that I  
8 would receive a one-day suspension and six months of probation if I left early. The next  
9 day, on November 25, 2014, my son was still very sick and I asked my supervisor again  
10 if I could leave early to take him to the hospital. I was finally allowed to leave to take  
11 him to the hospital at around 4 PM. At the hospital I received a doctors note and my  
12 son was diagnosed with Bronchitis and an upper respiratory infection, and was required  
13 to return for continued treatment and evaluation for his condition. On January 26, 2015,  
14 my son became very ill once again. I went to work at my scheduled time and informed  
15 my supervisor of the situation. She did not allow me to leave early to take my son to the  
16 doctor. On January 27, 2015, my sons condition had worsened so I called my  
17 supervisor and informed her I would be unable to work that day because I had to take  
18 my son to the doctor. The doctor (Dr. Hernandez) gave me a note with instructions to  
19 stay home and care for my son for at least two days. On January 28, 2015, I provided  
20 my supervisor with the doctors note and informed her I would not be able to work due to  
21 my sons medical condition. On January 30, 2015 when I returned to work, my  
22 supervisor stated that my doctors note was unacceptable and I was asked to speak with  
Human Resources Department. HR informed me that I was terminated due to not  
having any sick hours available during the time I took off.

1 VERIFICATION

2 I, **Jennifer Han**, am the Attorney for Complainant in the above-entitled complaint. I have read the foregoing  
3 complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters  
4 which are therein alleged on information and belief, and as to those matters, I believe it to be true.

5 On July 14, 2015, I declare under penalty of perjury under the laws of the State of California that the foregoing  
6 is true and correct.

7 **Long Beach, California**  
8 **Jennifer Han**  
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